

WATER DIVERSION PERMIT

Permittee: Tilcon Connecticut, Inc.
PO Box 1357
New Britain, CT 06050-1357

Permit No: DIV-200301941

Town: Plainfield, Killingly

Project: Wauregan Plant, 190 All Hallows Road, Plainfield, Connecticut

Waters: Surface Water

Pursuant to Connecticut General Statutes 22a-368, the Commissioner of Energy and Environmental Protection ("Commissioner") hereby grants a permit to Tilcon Connecticut, Inc. ("the Permittee") to conduct regulated activities under the Connecticut Water Diversion Policy Act (sections 22a-365 through 22a-378, inclusive of the General Statutes.

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to:

- 1) Withdraw up to 1.92 million gallons of surface water during any 24-hour period at a maximum rate of 2000 gallons per minute from the Supply/Settling Basin 1 for use in processing excavated, mined or quarried earth materials. Withdrawals are limited to a total of 16 hours per day and to 259 days during a calendar year.
- 2) Withdraw up to 0.14 million gallons of surface water during any 24-hour period at a maximum rate of 333 gallons per minute from the Supply/Settling Basins 4 for use in dust suppression. Withdrawals are limited to a total of 7 hours per day and to 259 days during a calendar year.
- 3) Withdraw up to 0.32 million gallons of surface water during any 24-hour period at a maximum rate of 333 gallons per minute from the Supply/Settling Basins 4 for discharge to Basin 1. Withdrawals are limited to a total of 16 hours per day and to 14 days during a calendar year.

Locations of withdrawals are as shown on Figure 2, Site Plan Diversion Permit Application, Tilcon Connecticut Inc., 190 All Hallows Road, Plainfield, Connecticut, dated 6/26/03, prepared by Triton Environmental, Inc.

This authorization constitutes the licenses and approvals required by 22a-368 of the Connecticut General Statutes.

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby. Further, this authorization grants no rights to convey any drainage across property not owned or controlled by the permittee.

This permit does not authorize any other activities subject to permit requirements of the Connecticut Water Diversion Policy Act, sections 22a-365 through 22a-378, inclusive, of the Connecticut General Statutes, including but not limited to:

- Withdrawing groundwater from one or more wells joined in one system whose combined maximum withdrawal exceeds fifty thousand (50,000) gallons of water during any 24-hour period;
- Construction or modification of a roadway crossing or culvert which does not allow for the continuous flow or passage of a watercourse, or which provides detention or retention of watercourse flows by design or default;
- Collecting surface water runoff of an area 100 acres or greater;
- Discharge of water not permitted under the provisions of section 22a-430 of the Connecticut General Statutes; or
- Relocating, retaining, detaining, bypassing, channelizing, piping, culverting, ditching, draining, filling, excavating, dredging, damming, impounding, diking, or enlarging waters as defined in section 22a-367(9) of the Connecticut General Statutes.

The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.

This authorization is subject to the following conditions:

CONDITIONS:

1. **Expiration.** This permit shall expire on (ten years from date issued) .
2. **Construction Commencement and Completion.** If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such time as may be authorized by the Commissioner.

3. **Notification of Project Initiation.** The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
4. **De minimis Alteration.** The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
5. **Maintenance of Structures.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or otherwise exempt pursuant to other General Statutes, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
6. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
7. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under condition 5 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, 2004 *Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.

8. **Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
 - a. the provision(s) of this permit that has been violated;
 - b. the date and time the violation(s) was first observed and by whom;
 - c. the cause of the violation(s), if known
 - d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
 - e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
 - f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
 - g. the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with condition 12 of this permit.
9. **Material Storage in the Floodplain.** The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.
10. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
11. **Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
12. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of

the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement in the submitted information may be punishable as a criminal offense in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b and in accordance with any other applicable statute."

- 13. Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director, Inland Water Resources Division
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

- 14. Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
- 15. Metering of Withdrawals.** Prior to initiating the authorized withdrawal of water, the permittee shall install a totalizing flow meter to measure the total amount of water withdrawn from the permitted sources, and shall for the duration of this authorization continuously operate and maintain such meter. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.

- 16. Record Keeping and Reporting.** The permittee shall maintain a daily record of the amount of water withdrawn from the permitted sources for which withdrawals are authorized herein. The permittee shall, for the duration of this authorization, submit a copy of said withdrawal record for the preceding calendar year annually to the Commissioner no later than January 15 of each year. Such record shall be signed by the permittee and individual(s) responsible for actually preparing such record, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53-157b of the General Statutes, and in accordance with any other applicable statute.”

- 17. Meter Calibration and Reporting.** The permittee shall annually test and calibrate each meter referenced in Condition 15 and calibrate to within two percent accuracy as shown through a post-calibration test, and shall submit the results of the accuracy test and calibration for the preceding year annually to the Commissioner no later than January 15 of each year.

- 18. Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall report the violation in writing to the Commissioner. Such report shall include the following information:
- a. The provision(s) of this permit that has been violated;
 - b. The date and time the violation(s) was first discovered and by whom;
 - c. The cause of the violation(s), if known;
 - d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
 - e. If the violation(s) has not ceased, the anticipated date when it will be corrected;
 - f. Steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
 - g. The signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify as follows:

“I have personally examined and am familiar with the information submitted in this document, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

Tilcon Connecticut, Inc.
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Issued by the Commissioner of Energy and Environmental Protection on:

Date

Michael Sullivan
Deputy Commissioner

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